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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,266

12/28/2001

Andrew Frederick Bulfer

ATT-039PUS

8091

7590

01/13/2006

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EXAMINER

ISMAL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,266

Applicant(s)

BULFER ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-25 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 23-25 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This communication is responsive to the Restriction Election received on October 24, 2002. Claims 1-22 and 26-28 have been cancelled. Claims 23-25 and 29-32 were elected and are pending further examination

The New Grounds of Rejection

2. Applicant's amendment and arguments received on June 20, 2005 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 23-25 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Novak et al.**, (Novak) U.S. Patent Publication No. **20030041326 A1**.

5. As to claim 23, Novak teaches a method for filtering instant messages, comprising:

examining an instant message from a sender to a supervised client (paragraph 0051, and 0033-0035, a third party intercept the received communication from the caller destined to the recipient);

determining whether the sender has been approved by a supervisory client to send the instant message to the supervised client, said supervisory client having a different address than said supervised client (paragraph 0031, the caller's identity is compared with a stored list in order to determine if the caller is approved or not);

requesting approval from the supervisory client for sending the instant message to the supervised client if the sender has not been approved (paragraph 0033-0035, the third party intercept the message and interrogates the caller in order to determine whether to approve or deny the communication between the caller and the receiver); and

sending the instant message to the supervised client upon approval by the supervisory client (paragraph 0034, once the third party approves the caller the communication is allowed to take place).

6. As to claim 24, Novak teaches the method according to claim 23, further including requesting approval from the supervisory client for the sender to send subsequent instant messages to the supervised client (paragraph 0035).

7. As to claim 25, Novak teaches the method according to claim 24, further including adding the sender to a control list associated with the supervised client upon approval of the sender by the supervisory client (paragraph 0035).

8. As to claim 29, Novak teaches the method according to claim 23, further including controlling availability to other clients of an online status indication of the supervised client (paragraph 0031).

9. As to claim 30, Novak teaches the method according to claim 23, further including maintaining a control list containing approved senders for the supervised client (paragraph 0103)

10. As to claim 31, Novak teaches an electronic communication system, comprising:
an instant messaging service including a plurality of session servers into which clients can log on to the system (paragraph 0082 -0083);

at least one message server for routing instant messages between the clients (paragraph 0104); and

a control module for examining an instant message sent by a first one of the clients to a supervised one of the clients to determine if the first client has been approved by a supervisory client, said supervised one of the clients having a different network address than said supervisory client, to send instant messages to the supervised client (paragraph 0033-0035)

11. As to claim 32, Novak teaches an electronic communication system serving a plurality of clients, comprising:

an ISP system including an IM proxy and associated control module for interfacing with an IM service for examining an instant message sent by a first one of the clients to a supervised one of the clients to determine if the first client has been approved by a supervisory client to send instant messages to supervised client (paragraph 0082 -0083);

wherein said supervised one of the clients has a different network address than said supervisory client (paragraph 0033-0035).

12. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

13. Applicant's arguments with respect to claim 23-25 and 29-32 have been fully considered but are moot in view of the new ground(s) of rejection.

14. Applicant's original amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
January 6, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER